THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 12913 of 2007

Date:19-07-2007

Between:

V.Venkat Rao

.. PETITIONER

AND

The State of A.P. rep. By its Commissioner of Proohibion and Excise, Hyderabd and two others

.. RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus directing the respondents to release the vehicle bearing No.AP-27-W-2476 without insisting for bank guarantee.

It is the case of the petitioner that he is the owner of the said vehicle and the same has been seized and detained while registering the case in Crime No.19/2007-08 by Nandigama Prohibition and Excise Station for the offence under Section 8(e) r/w 7-A of the A.P. Prohibition Act.

The perusal of the papers goes to show that the Prohibition and Excise Station registered the case, Nandigama while the said vehicle of the petitioner was found transporting the I.D. liquor. When a vehicle has been seized and detained in relation to the excise offence, it is for the petitioner to approach the Deputy Commissioner for Prohibition and Excise who is the competent authority to confiscate the vehicle and also to consider the application to grant interim custody of the vehicle pending disposal of the confiscation proceedings. But, without taking the recourse to get the interim custody of the vehicle, I am of the opinion that the petition filed by the petitioner is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:19.07.2007
Ccm